

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KIM N. JONES

Plaintiff,

-VS-

EQUIFAX INFORMATION SERVICES

Defendants.

Civil Action: 07-CV-7391 (AKH)

**DECLARATION OF BRIAN J. OLSON  
IN SUPPORT OF MOTION TO DISMISS**

I, Brian J. Olson, hereby declare under penalty of perjury as follows:

1. I am an attorney at law duly admitted to practice before all the courts of the state of Georgia and an attorney with the law firm of King & Spalding LLP. I am admitted *pro hac vice* to represent Equifax Information Services LLC in this matter, and represent them along with Richard T. Marooney and Jessica E. Rank, also of King & Spalding LLP.

2. The facts set forth in this Declaration are within my personal knowledge, and if called upon to testify, I could and would competently testify thereto. As to those matters stated herein on information and belief, I am informed and believe the same are true and upon that basis declare them to be true.

3. The parties briefly communicated by telephone on or about November 24, 2007 regarding a 26(f) conference.

4. After November 24, 2007 Equifax's counsel attempted to contact Plaintiff several times in order to discuss settlement and to prepare for the December 14, 2007 Case Management Conference, but was unable to contact her.

5. After being unable to contact Plaintiff, Equifax's counsel prepared the Parties' Report and, again, attempted to contact Plaintiff so that a Report could be agreed upon prior to the Case Management Hearing. Equifax's counsel was still unsuccessful in contacting Plaintiff. Voice messages left on Plaintiff's answering machine were not returned.

6. On December 14, 2007, Plaintiff appeared in Court and was notified by the Court that the Conference had been reset to December 21, 2007.

7. Prior to the December 21, 2007 hearing, Equifax's counsel and Plaintiff agreed and consented to request an adjournment of the December 21, 2007 Case Management Conference, and requested that the Conference be reset to January 18, 2008.

8. Prior to the January 18, 2008 Case Management Conference, Equifax's counsel called Plaintiff on January 13, 2008 and again on January 15, 2008 and left messages on Plaintiff's answering machine requesting to discuss settlement and the Parties' Report. Plaintiff never responded to any of those communications.

9. Prior to the January 18, 2008 Case Management Conference, Equifax's counsel sent emails to Plaintiff, the latest of which was sent on January 15, 2008. Plaintiff never responded to any of those communications.

10. The January 18, 2008 Case Management Conference was attended by Equifax's local counsel, Jessica E. Rank. Plaintiff did not appear at the Case Management Conference and has not contacted counsel for Equifax for over six months.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 6th day of August, 2008 at Atlanta, Georgia.

By: 

Brian J. Olson